

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CARTER ELLIS, <i>et al.</i> ,	)	Case No. 1:18-cv-1058
	)	
Plaintiffs,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
	)	
CA RESTAURANT GROUP, LLC	)	<b><u>NOTICE OF COLLECTIVE ACTION</u></b>
d/b/a SQUARE 22 RESTAURANT	)	<b><u>UNDER THE FLSA AND OHIO LAW</u></b>
AND BAR, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**To: All present and former hourly tipped employees of SQUARE 22 RESTAURANT AND BAR (and related parties) from October 12, 2016 to the present (Claims Period).**

**1. INTRODUCTION**

The purpose of this notice is to inform you of the existence of a lawsuit for unpaid minimum wages and overtime under the FLSA and Ohio law which you may join if you choose, and to advise you of how your rights may be affected, and to instruct you on the procedure for joining and participating in this lawsuit if you so desire.

**2. DESCRIPTION OF THE LAWSUIT**

On May 7, 2018, Plaintiffs Carter Ellis and Madison Ellis brought a lawsuit in the United States District Court for the Northern District of Ohio, Case No. 18-cv-1058, on behalf of themselves and all employees who are similarly situated against CA Restaurant Group, LLC *doing business as* Square 22 Restaurant and Bar and related parties (collectively referred to as “Square 22”). The lawsuit alleges that Square 22 failed to properly pay minimum wage and overtime during each workweek Carter, Madison and others worked as hourly tipped employees.

The minimum wage provisions of the FLSA and Ohio law require employers to pay employees at least the minimum wage set by Ohio law, and that employers may only take a “tip credit” against minimum wage by following specific requirements. Plaintiffs in this lawsuit allege that Plaintiffs and others were not always paid minimum wage, and that Square 22’s tip credit and tip sharing practices were unlawful. In addition, Plaintiffs allege that tipped employees were not properly paid overtime compensation at one and one-half times their regular rate of pay for all overtime hours worked as a result of Square 22’s minimum wage practices.

Plaintiffs are suing to recover damages since October 12, 2016. Plaintiffs are also seeking to recover liquidated damages, attorneys’ fees, and costs associated with the case.

THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF EITHER PLAINTIFFS’ CLAIMS OR DEFENDANT’S DEFENSES.

**3. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

If you worked for Square 22 as a tipped employee or had another similar job title or function from October 12, 2016 to the present, you have the right to participate in this lawsuit.

**4. EFFECTS OF JOINING THIS LAWSUIT**

If you choose to join in this lawsuit, you will be bound by the judgment, whether it is favorable or unfavorable. You will also be bound by, and will share in, any settlement that may be reached on behalf of the employees who have filed or opted-in to this lawsuit.

If you choose to join this lawsuit, you will be represented by the attorneys currently representing the Plaintiffs. If you join the lawsuit, you will not be required to pay attorney's fees or expenses in advance. If the lawsuit is successful, class counsel may be paid either by the Defendants, or if a settlement is reached prior to judgment, class counsel may receive a percentage of any money judgment or settlement in favor of you, or others similarly situated, as agreed by contract and ordered by the Court. If you return the attached Consent Form, you should be aware that important decisions concerning the prosecution of this case may be made on your behalf. Further, you may be required to provide information, sit for a deposition, or testify in Court.

**5. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT**

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. You will be free to file your own lawsuit, or you may choose to do nothing.

**6. PLAINTIFFS' LEGAL COUNSEL:**

Joseph F. Scott  
Ryan A. Winters  
Kevin M. McDermott II  
SCOTT & WINTERS LAW FIRM, LLC  
The Caxton Building  
812 Huron Rd. E., Suite 490  
Cleveland, Ohio 44115  
Tel. (216) 367-9181  
Fax. (216) 350-6313  
Email: [kmcdermott@ohiowagelawyers.com](mailto:kmcdermott@ohiowagelawyers.com)

**7. HOW TO JOIN THIS LAWSUIT**

Enclosed you will find a form entitled "Opt-In Consent Form." If you choose to join this lawsuit, and thus participate in any recovery that may result from this lawsuit, you may read, sign and return the Consent Form by mail, email or fax. The Consent Form should be sent to Plaintiffs' counsel at the above address, email or fax number.

The signed Consent Form must be returned to SCOTT & WINTERS LAW FIRM, LLC on or before August \_\_, 2018 (WITHIN 45 DAYS OF NOTICE BEING SENT). If your signed Consent Form is not promptly returned, you may not be able to participate in any recovery obtained against the

**FORMS MUST BE FAXED, EMAILED OR POSTMARKED BY AUGUST \_\_, 2018**

**8. NO RETALIATION PERMITTED**

The law prohibits Defendants, or any of their agents or employees, to discharge you, or in any manner harass, discriminate or retaliate against you for taking part in this collective action.

**9. FURTHER INFORMATION**

Further information about this Notice or the action may be obtained from Plaintiffs' counsel at (216) 367-9181. The call is free and confidential.

**DO NOT CONTACT THE COURT OR ANY COURT PERSONNEL FOR INFORMATION ABOUT THIS CASE.**